

IPW

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT
(Under 37 CFR 1.97(b) or 1.97(c))

Docket No.
17035

In Re Application Of: **Hiroyuki Irie, et al.**

MAY 10 2004

Serial No.
10/664,756

Filing Date
September 18, 2003

Examiner
Unassigned

Group Art Unit
3738

Title: **ARTIFICIAL BONE AND TISSUE ENGINEERING CARRIER**

Address to:
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

37 CFR 1.97(b)

1. The Information Disclosure Statement submitted herewith is being filed within three months of the filing of a national application other than a continued prosecution application under 37 CFR 1.53(d); within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; before the mailing of a first Office Action on the merits, or before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

37 CFR 1.97(c)

2. The Information Disclosure Statement submitted herewith is being filed after the period specified in 37 CFR 1.97(b), provided that the Information Disclosure Statement is filed before the mailing date of a Final Action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an Action that otherwise closes prosecution in the application, and is accompanied by one of:

the statement specified in 37 CFR 1.97(e);

OR

the fee set forth in 37 CFR 1.17(p).

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ARTIFICIAL BONE AND TISSUE ENGINEERING CARRIER

Payment of Fee

(Only complete if Applicant elects to pay the fee set forth in 37 CFR 1.17(p))

A check in the amount of _____ is attached.

The Director is hereby authorized to charge and credit Deposit Account No. **19-1013/SSMP** as described below.

Charge the amount of _____

Credit any overpayment.

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Certificate of Transmission by Facsimile*

I certify that this document and authorization to charge deposit account is being facsimile transmitted to the United States Patent and Trademark Office (F:

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 Signature

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Certificate of Mailing by First Class Mail

I certify that this document and fee is being deposited on **May 7, 2004** with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

 Signature

Thomas Spinelli

 Typed or Printed Name

*This certificate may only be used if paying by deposit account.

Thomas Spinelli
 Signature

Dated: **May 7, 2004**

Thomas Spinelli

Registration No. 39,533

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CC:



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Hiroyuki Irie, et al. **Examiner:** Unassigned
Serial No.: 10/664,756 **Art Unit:** 3738
Filed: September 18, 2003 **Docket:** 17035
For: ARTIFICIAL BONE AND TISSUE
ENGINEERING CARRIER **Dated:** May 7, 2004
Conf. No.: 4158

Mail Stop Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

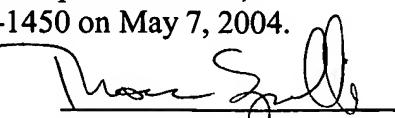
In accordance with 37 C.F.R. §§ 1.97 and 1.98, it is requested that the following references, which are also listed on the attached Form PTO-1449, be made of record in the above-identified case.

1. International PCT Patent Publication No. WO 02/076522 A1, dated October 3, 2002;
2. International PCT Patent Publication No. WO 01/94274 A1, dated December 13, 2001;

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on May 7, 2004.

Dated: May 7, 2004

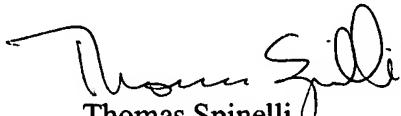

Thomas Spinelli

3. International PCT Patent Publication No. WO 00/45867, dated August 10, 2000;
4. United States Patent No. 6,316,091 B1, issued to Richart et al., dated November 13, 2001;
5. United States Patent Application Publication No. 2002/0037799 A1, issued to Li et al., dated March 28, 2002;
6. United States Patent No. 5,939,323, issued to Valentini et al., dated August 17, 1999;
7. Uemura, Toshimasa et al., "Transplantation of cultured bone cells using combinations of scaffolds and culture techniques", Biomaterials (2003), Vol. 24, No. 13, pp. 2277-2286;
8. Jun, Youn-Ki et al., "The fabrication and biochemical evaluation of alumina reinforced calcium phosphate porous implants", Biomaterials (2003), Vol. 24, No. 21, pp. 3731-3739;
9. Dong, Jian et al., "In vivo evaluation of a novel porous hydroxyapatite to sustain osteogenesis of transplanted bone marrow-derived osteoblastic cells", Journal of Biomedical Materials Research (2001), Vol. 57, No. 2, pp. 208-216; and
10. Ripamonti, U., "Calvarial reconstruction in baboons with porous hydroxyapatite", Database Medline/U.S. National Library of Medicine (1992); and The Journal of Craniofacial Surgery (1992), Vol. 3, No. 3, pp. 149-159.

The references were cited in a Search Report received from the European Patent Office, dated March 18, 2004. Applicants are submitting copies of the above-cited references, together with a copy of the Search Report. The relevance of the above-identified references has been described in the Search Report.

Inasmuch as this Information Disclosure Statement is being submitted in accordance with the schedule set out in 37 C.F.R§1.97(b), no statement or fee is required. Also enclosed herewith is a Statement Pursuant to 37 C.F.R. §1.704(d).

Respectfully submitted,



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TS:jap



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Hiroyuki Irie, et al.

Examiner: Unassigned

Serial No.: 10/664,756

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ENGINEERING CARRIER

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Mail Stop Amendment
Commissioner for Patents
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Alexandria, VA 22313-1450

STATEMENT PURSUANT TO 37 C.F.R. § 1.704(d)

Sir:

I hereby state that each item of information contained in the Information Disclosure Statement submitted herewith was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on May 7, 2004.

Dated: May 7, 2004

Thomas Spinelli

Therefore, this Information Disclosure Statement cannot be considered a failure to engage in reasonable efforts to conclude prosecution of the application under paragraphs (c)(6), (c) (8), (c) (9), or (c) (10) of 37 C.F.R. § 1.704.

Respectfully submitted,



Thomas Spinelli
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INFORMATION DISCLOSURE CITATION
(Use several sheets if necessary)

Docket Number (Optional)
17035

Application Number
10/664,756

Applicant(s)
Hiroyuki Irie et al.

Filing Date
September 18, 2003

Group Art Unit
3738

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
		6,316,091 B1	11/13/2001	Richart et al.			
		2002/0037799 A1	3/28/2002	Li et al.			
		5,939,323	8/17/1999	Valentini et al.			

FOREIGN PATENT DOCUMENTS

REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLAS	TRANSLATION	
						YES	NO
	WO 02/076522 A1	10/3/2002	PCT				
	WO 01/94274 A1	12/13/2001	PCT				
	WO 00/45867	8/10/2000	PCT				

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	Uemura, Toshimasa et al., "Transplantation of cultured bone cells using combinations of scaffolds and culture techniques", Biomaterials (2003), Vol. 24, No. 13, pp. 2277-2286
	Jun, Youn-Ki et al., "The fabrication and biochemical evaluation of alumina reinforced calcium phosphate porous implants", Biomaterials (2003), Vol. 24, No. 21, pp. 3731-3739
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EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.